

The Hon. David W. Christel

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON AT SEATTLE

TRAVELERS PROPERTY CASUALTY COMPANY  
OF AMERICA, a foreign insurer,

Plaintiffs,

v.

WALSH CONSTRUCTION COMPANY II, LLC, an  
Illinois Limited Liability Company; and ARCH  
SPECIALTY INSURANCE COMPANY, a foreign  
insurer,

Defendants.

WALSH CONSTRUCTION COMPANY II, LLC, an  
Illinois Limited Liability Company,

Third Party Plaintiff,

v.

GREENWICH INSURANCE COMPANY, a foreign  
insurer

Third Party Defendant.

No. 2:22-cv-0589 DWC

**STIPULATED MOTION AND  
ORDER STAYING CERTAIN  
ISSUES RELATED TO THE  
DUTY TO INDEMNIFY AND  
WALSH CONSTRUCTION  
COMPANY II, LLC'S  
EXTRACONTRACTUAL  
CLAIMS**

1 Per the parties' stipulation, on July 28, 2023, the Court will hear summary judgment  
2 motions pertaining to whether Walsh Construction Company II, LLC ("Walsh") has tendered its  
3 defense to Arch Specialty Insurance Company ("Arch") and the other insurers' duty to defend  
4 Walsh in the underlying *King County v. Walsh* litigation. See Dkt. # 43. ("the Underlying Case")  
5 Depending on the outcome of these Motions, the issues, proof, and questions of law at issue in this  
6 coverage action may be simplified. Additionally, the Underlying Case continues in litigation, with  
7 its trial date stricken, a stay entered while discretionary review sought, and a recent Court of  
8 Appeals decision remanding the Underlying Case for further proceedings. Therefore the results  
9 in the Underlying case will not be known for some time, and probably not before the Parties hereto  
10 in the coverage case are set to complete discovery, motion practice and a seven day jury trial set  
11 for February 5, 2024. The outcome of the Underlying Litigation will impact many of the issues,  
12 proof, and questions of law at issue in this action.

13 Accordingly, the parties have conferred and agree that it is in the best interests of all parties,  
14 and for the efficiency of the Court, that the Court strike the trial date in this matter along with all  
15 pre-trial deadlines. The parties also agree to stay all discovery and motion practice related to  
16 Walsh's extra-contractual claims and any issues related to indemnity coverage under any policy  
17 that is determined to provide Walsh with a duty to defend. This stay does not impact the currently  
18 pending motions, Travelers' claims against Arch, and issues of whether Walsh is entitled to  
19 defense or indemnity coverage under the terms of the "additional insured" endorsements in the  
20 Travelers and Greenwich policies.

21 The Parties also agree that the Court order them to present a Joint Status Report within  
22 thirty (30) days of the Court's ruling on the Motions to be heard on July 28, 2023, advising the  
23 Court as to whether any matters remain at issue for trial and if so, arrange for an Amended Order  
24 Setting Trial Date and related Dates.

IT IS SO STIPULATED, THROUGH COUNSEL OF RECORD.

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Greenwich Insurance Co.*

1 PURSUANT TO STIPULATION,

2 IT IS SO ORDERED that all discovery and motion practice not related to Travelers' claims  
3 against Arch and the duty to defend, with the exception of issues relating to whether Walsh is  
4 entitled to defense or indemnity coverage under the terms of the "additional insured" endorsements  
5 in the Travelers and Greenwich policies, are stayed.

6 IT IS FURTHER ORDERED that the trial date in this matter along with all pre-trial  
7 deadlines are stricken.

8 IT IS FURTHER ORDERED that that parties shall advise the Court as to whether any  
9 matters remain at issue for trial and if so, arrange for an Amended Order Setting Trial Date and  
10 related Dates, within thirty (30) days of the Court's ruling on the Motions that are noted for the  
11 Court's consideration on July 28, 2023.

12 DATED this 11th day of July, 2023.

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16 David W. Christel  
17 Chief United States Magistrate Judge  
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